
By: **Senators Kelley and Hollinger**
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CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs - Certification of Program Administrator**

3 FOR the purpose of ~~requiring the Subcabinet for Children, Youth, and Families, in~~
4 ~~consultation with certain departments, to adopt regulations establishing~~
5 ~~standards for the certification of administrators of residential child care~~
6 ~~programs~~; establishing the State Board for Certification of Residential Child
7 Care Program Administrators; specifying the membership, powers, and duties of
8 the Board; establishing the terms of and requirements for certain members of
9 the Board; authorizing the Board to employ certain staff in accordance with the
10 budget of the Board; establishing a State Board for Certification of Residential
11 Child Care Administrators Fund; requiring an individual to be certified before
12 the individual may administer a residential child care program licensed by
13 certain State departments; specifying the qualifications for certain certificates;
14 specifying application procedures for certain applications; authorizing the
15 issuance and renewal of certain certificates; authorizing certain individuals
16 with certificates to administer certain programs; providing for the expiration
17 and renewal of certain certificates; establishing certain grounds for discipline;
18 requiring the Board to provide certain hearing procedures before certain
19 individuals may be disciplined under this Act; prohibiting certain acts; making
20 certain exceptions; establishing certain penalties; establishing a certain date by
21 which all licensed residential child care programs shall have certified program
22 administrators; providing that the State Board for Certification of Residential
23 Child Care Program Administrators is subject to the provisions of the Maryland
24 Program Evaluation Act; defining certain terms; stating the intent of the
25 General Assembly that certain funds be included in the State budget for certain
26 purposes and that when certain special funds become available, the special
27 funds be used to reimburse the General Fund; and generally relating to the

1 certification of individuals to administer residential child care programs.

2 BY renumbering

3 Article - State Government
4 Section 8-403(b)(62) through (69), respectively
5 to be Section 8-403(b)(63) through (70), respectively
6 Annotated Code of Maryland
7 (1999 Replacement Volume and 2002 Supplement)

8 ~~BY repealing and reenacting, with amendments,~~

9 ~~Article 49D - Office for Children, Youth, and Families~~
10 ~~Section 4.1~~
11 ~~Annotated Code of Maryland~~
12 ~~(1998 Replacement Volume and 2002 Supplement)~~

13 ~~BY adding to~~

14 ~~Article 49D - Office for Children, Youth, and Families~~
15 ~~Section 4.4~~
16 ~~Annotated Code of Maryland~~
17 ~~(1998 Replacement Volume and 2002 Supplement)~~

18 BY repealing and reenacting, without amendments,

19 Article - Health Occupations
20 Section 1-101(a), (b), (d), (e), (h), (j), (k), and (l)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2002 Supplement)

23 BY adding to

24 Article - Health Occupations
25 Section 20-101 through 20-502, inclusive, to be under the new title "Title 20.
26 Residential Child Care Program Administrators"
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, without amendments,

30 Article - State Government
31 Section 8-403(a)
32 Annotated Code of Maryland
33 (1999 Replacement Volume and 2002 Supplement)

34 BY adding to

35 Article - State Government
36 Section 8-403(b)(62)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2002 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Sections(s) 8-403(b)(62) through (69), respectively, of Article -
5 State Government of the Annotated Code of Maryland to be renumbered to be
6 Sections(s) 8-403(b)(63) through (70), respectively.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article 49D – Office for Children, Youth, and Families**

10 ~~4.1.~~

11 (a) ~~There is a Subcabinet for Children, Youth, and Families.~~

12 (b) ~~The Subcabinet for Children, Youth, and Families consists of:~~

13 (1) ~~The Special Secretary;~~

14 (2) ~~The Secretary of Health and Mental Hygiene;~~

15 (3) ~~The Secretary of Human Resources;~~

16 (4) ~~The Secretary of Juvenile Justice;~~

17 (5) ~~The State Superintendent of Schools;~~

18 (6) ~~The Secretary of Budget and Management;~~

19 (7) ~~The Director of the Office for Individuals with Disabilities; and~~

20 (8) ~~A representative from any other State agency that the Governor~~
21 ~~designates.~~

22 (c) ~~The Special Secretary shall serve as chairperson of the Subcabinet for~~
23 ~~Children, Youth, and Families and shall be responsible for the oversight, direction,~~
24 ~~and accountability of the work of the Subcabinet.~~

25 (d) ~~The Office for Children, Youth, and Families shall provide the primary~~
26 ~~staff support for the Subcabinet.~~

27 (e) ~~The Special Secretary may call upon any of the Subcabinet members to~~
28 ~~provide additional staff assistance as needed.~~

29 (f) ~~The Special Secretary may establish subcommittees to carry out the work~~
30 ~~of the Subcabinet.~~

31 (g) ~~The Subcabinet shall meet at least four times a year.~~

1 (h) The Subcabinet shall:

2 (1) Provide ongoing examination of the structure and organization of
3 Maryland's system of services to children, youth, and families; [and]

4 (2) Facilitate a comprehensive effective, efficient, and integrated service
5 delivery system for services to children, youth, and families; AND

6 (3) ~~ADOPT REGULATIONS IN ACCORDANCE WITH § 4.4 OF THIS ARTICLE.~~
7 ~~4.4.~~

8 (A) ~~THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES SHALL ADOPT~~
9 ~~REGULATIONS ESTABLISHING STANDARDS FOR THE CERTIFICATION OF~~
10 ~~RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS UNDER TITLE 20 OF THE~~
11 ~~HEALTH OCCUPATIONS ARTICLE.~~

12 (B) ~~IN DEVELOPING THE REGULATIONS DESCRIBED IN SUBSECTION (A) OF~~
13 ~~THIS SECTION, THE SUBCABINET SHALL CONSULT WITH:~~

14 (1) ~~THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

15 (2) ~~THE DEPARTMENT OF HUMAN RESOURCES;~~

16 (3) ~~THE DEPARTMENT OF JUVENILE JUSTICE;~~

17 (4) ~~THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE~~
18 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

19 (5) ~~THE MENTAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF~~
20 ~~HEALTH AND MENTAL HYGIENE;~~

21 (6) ~~THE STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD~~
22 ~~CARE PROGRAM ADMINISTRATORS; AND~~

23 (7) ~~THE STATE SUPERINTENDENT OF SCHOOLS.~~

24 **Article - Health Occupations**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (b) "Board of Review" means the Board of Review of the Department.

28 (d) "Department" means the Department of Health and Mental Hygiene.

29 (e) "Household member" means someone who is:

30 (1) The individual's:

- 1 (i) Spouse;
- 2 (ii) Son;
- 3 (iii) Daughter;
- 4 (iv) Ward; or
- 5 (v) Parent; or
- 6 (2) The individual's relative:
- 7 (i) Who shares the individual's legal residence; or
- 8 (ii) Whose financial affairs are under the legal or actual control of
- 9 the individual.

10 (h) "Person" means an individual, receiver, trustee, guardian, personal
 11 representative, fiduciary, or representative of any kind and any partnership, firm,
 12 association, corporation, or other entity.

13 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

14 (k) "State" means:

- 15 (1) A state, possession, or territory of the United States;
- 16 (2) The District of Columbia; or
- 17 (3) The Commonwealth of Puerto Rico.

18 (l) "Substantial financial interest" means:

- 19 (1) An asset with a fair market value of \$1,000 or more; or
- 20 (2) A source of income of \$500 or more in a calendar year.

21 TITLE 20. RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS.

22 SUBTITLE 1. DEFINITIONS.

23 20-101.

24 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

25 (B) (1) "AGENCY" MEANS:

26 (I) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE
 27 DEPARTMENT;

28 (II) THE DEPARTMENT;

1 (III) THE DEPARTMENT OF HUMAN RESOURCES;

2 (IV) THE DEPARTMENT OF JUVENILE JUSTICE; AND

3 (V) THE MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION IN THE
4 DEPARTMENT.

5 (2) "AGENCY" INCLUDES THE STATE SUPERINTENDENT OF SCHOOLS.

6 (C) "BOARD" MEANS THE STATE BOARD FOR CERTIFICATION OF RESIDENTIAL
7 CHILD CARE PROGRAM ADMINISTRATORS.

8 (D) "CERTIFICATE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
9 CERTIFICATE ISSUED BY THE BOARD TO ADMINISTER A RESIDENTIAL CHILD CARE
10 PROGRAM.

11 (E) "CERTIFIED PROGRAM ADMINISTRATOR" MEANS, UNLESS THE CONTEXT
12 REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS:

13 (1) CERTIFIED BY THE BOARD; AND

14 (2) RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF A RESIDENTIAL
15 CHILD CARE PROGRAM.

16 (F) (1) "PROGRAM" MEANS A RESIDENTIAL CHILD CARE PROGRAM
17 LICENSED BY:

18 ~~(I)~~ (I) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE
19 DEPARTMENT;

20 ~~(II)~~ (II) THE DEPARTMENT;

21 ~~(III)~~ (III) THE DEPARTMENT OF HUMAN RESOURCES;

22 ~~(IV)~~ (IV) THE DEPARTMENT OF JUVENILE JUSTICE; OR

23 ~~(V)~~ (V) THE MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION IN THE
24 DEPARTMENT.

25 (2) "PROGRAM" DOES NOT INCLUDE A STATE OPERATED RESIDENTIAL
26 CHILD CARE PROGRAM FACILITY OF THE MENTAL HYGIENE ADMINISTRATION IN THE
27 DEPARTMENT.

28 (G) "PROGRAM ADMINISTRATOR" MEANS THE INDIVIDUAL RESPONSIBLE FOR
29 THE DAY-TO-DAY OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM.

30 (H) (1) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
31 PROVIDES FOR CHILDREN 24-HOUR PER DAY CARE WITHIN A STRUCTURED SET OF
32 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES
33 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDE THE
34 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,

1 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND
2 ACTIVITIES.

3 (2) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

4 (I) RESIDENTIAL FACILITIES FOR CHILDREN WITH
5 DEVELOPMENTAL DISABILITIES;

6 (II) CHILD CARE HOMES;

7 (III) CHILD CARE INSTITUTIONS;

8 (IV) THERAPEUTIC GROUP HOMES; AND

9 (V) GROUP HOMES, AS THOSE TERMS ARE DEFINED BY STATE LAW.

10 (I) "SUBCABINET" MEANS THE SUBCABINET FOR CHILDREN, YOUTH, AND
11 FAMILIES ESTABLISHED UNDER ARTICLE 49D, § 4.1 OF THE CODE.

12 SUBTITLE 2. STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
13 PROGRAM ADMINISTRATORS.

14 20-201.

15 THERE IS A STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
16 PROGRAM ADMINISTRATORS IN THE DEPARTMENT.

17 20-202.

18 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

19 (2) OF THE 11 BOARD MEMBERS:

20 (I) SIX MEMBERS SHALL BE APPOINTED AS FOLLOWS:

21 1. TWO BY THE SECRETARY OF HEALTH AND MENTAL
22 HYGIENE, ONE EACH FOR THE DEVELOPMENTAL DISABILITIES ADMINISTRATION
23 AND THE MENTAL ~~HEALTH~~ HYGIENE ADMINISTRATION;

24 2. ONE BY THE SECRETARY OF JUVENILE JUSTICE FOR THE
25 AGENCY;

26 3. ONE BY THE SECRETARY OF HUMAN RESOURCES FOR THE
27 AGENCY;

28 4. ONE BY THE STATE SUPERINTENDENT OF SCHOOLS; AND

29 5. ONE BY THE SUBCABINET; AND

30 (II) FIVE SHALL BE APPOINTED BY THE GOVERNOR.

1 (3) OF THE FIVE APPOINTED BY THE GOVERNOR:

2 (I) THREE SHALL BE PROGRAM ADMINISTRATORS; AND

3 (II) TWO SHALL BE ~~MEMBERS OF THE GENERAL PUBLIC~~
4 CONSUMER MEMBERS.

5 (B) THE GOVERNOR SHALL APPOINT MEMBERS WITH THE ADVICE AND
6 CONSENT OF THE SENATE.

7 (C) EACH BOARD MEMBER SHALL:

8 (1) BE A UNITED STATES CITIZEN; AND

9 (2) HAVE RESIDED IN THIS STATE FOR AT LEAST 1 YEAR BEFORE
10 APPOINTMENT TO THE BOARD.

11 (D) EACH ~~PUBLIC~~ CONSUMER MEMBER OF THE BOARD:

12 (1) MAY NOT BE OR EVER HAVE BEEN A PROGRAM ADMINISTRATOR;

13 (2) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A PROGRAM
14 ADMINISTRATOR;

15 (3) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
16 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ADMINISTERING A PROGRAM;

17 (4) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
18 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ADMINISTERING A PROGRAM;
19 AND

20 (5) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
21 SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN AGENCY.

22 (E) WHILE A MEMBER OF THE BOARD, A ~~PUBLIC~~ CONSUMER MEMBER MAY
23 NOT HAVE A SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN
24 AGENCY.

25 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
26 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE STATE CONSTITUTION.

27 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.

28 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
29 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2003.

30 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
31 SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
2 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
3 QUALIFIES.

4 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
5 TERMS.

6 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
7 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

8 (H) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
9 MISCONDUCT, INCAPACITY, OR NEGLIGENCE OF DUTY.

10 (2) ON THE RECOMMENDATION OF THE SUBCABINET, THE GOVERNOR
11 MAY REMOVE A MEMBER WHOM THE SUBCABINET FINDS TO HAVE BEEN ABSENT
12 FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

13 20-203.

14 (A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ~~SELECT~~
15 ELECT A CHAIRMAN, VICE CHAIRMAN, AND EXECUTIVE SECRETARY.

16 (B) THE BOARD SHALL DETERMINE ~~THE DUTIES OF EACH OFFICE;~~

17 (1) THE MANNER OF ELECTION OF OFFICERS;

18 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

19 (3) THE DUTIES OF EACH OFFICER.

20 ~~(C) THE SUBCABINET, IN CONSULTATION WITH THE BOARD AND THE~~
21 ~~SECRETARY, SHALL EMPLOY OR OTHERWISE DESIGNATE STAFF FOR THE BOARD IN~~
22 ~~ACCORDANCE WITH THE STATE BUDGET.~~

23 20-204.

24 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A
25 QUORUM.

26 (B) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND
27 PLACES THAT IT DETERMINES.

28 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
29 EXPENSES ~~UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN~~
30 ~~THE STATE BUDGET AT A RATE DETERMINED BY THE BOARD.~~

31 (D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE BUDGET OF
32 THE BOARD.

33 (E) THE BOARD MAY APPOINT AN EXECUTIVE DIRECTOR.

1 (F) THE EXECUTIVE DIRECTOR:

2 (1) SERVES AT THE PLEASURE OF THE BOARD;

3 (2) SERVES AS THE EXECUTIVE OFFICER OF THE BOARD; AND

4 (3) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.

5 20-205.

6 (A) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN
 7 THE CODE, THE SUBCABINET, IN CONSULTATION WITH THIS TITLE THE BOARD, IN
 8 CONSULTATION WITH THE SUBCABINET SHALL:

9 (1) ADOPT REGULATIONS ESTABLISHING STANDARDS FOR THE
 10 CERTIFICATION OF APPLICANTS; AND TO CARRY OUT THE PROVISIONS OF THIS
 11 SUBTITLE;

12 (2) ESTABLISH STANDARDS FOR THE CERTIFICATION OF APPLICANTS;

13 ~~(2)~~ (3) CONDUCT A CONTINUING STUDY AND INVESTIGATION OF
 14 PROGRAMS AND PROGRAM ADMINISTRATORS TO IMPROVE:

15 (I) CERTIFICATION STANDARDS; AND

16 (II) PROCEDURES FOR ENFORCING THESE STANDARDS; AND

17 (4) DEVISE EXAMINATIONS AND ADOPT INVESTIGATIVE PROCEDURES
 18 TO:

19 (I) DETERMINE WHETHER PROGRAM ADMINISTRATORS MEET THE
 20 STANDARDS ADOPTED BY THE BOARD; AND

21 (II) ASSURE THAT PROGRAM ADMINISTRATORS CONTINUE TO
 22 MEET THESE STANDARDS.

23 (B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE
 24 BOARD SHALL:

25 (1) MAINTAIN A REGISTRY OF ALL PROGRAM ADMINISTRATORS
 26 CERTIFIED BY THE BOARD;

27 (2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND SUBCABINET;

28 (3) ADOPT A CODE OF ETHICS THAT THE BOARD CONSIDERS
 29 APPROPRIATE AND APPLICABLE TO THE PROGRAM MANAGER ADMINISTRATORS
 30 CERTIFIED BY THE BOARD;

31 (4) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR THE
 32 PROGRAM ADMINISTRATORS CERTIFIED BY THE BOARD;

1 (5) ADOPT AN OFFICIAL SEAL; AND

2 (6) CREATE COMMITTEES AS IT DEEMS APPROPRIATE TO ADVISE THE
3 BOARD ON SPECIAL ISSUES.

4 20-206.

5 ~~IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE~~
6 ~~BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE.~~

7 (A) THERE IS A STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD
8 CARE ADMINISTRATORS FUND.

9 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND
10 RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.

11 (2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS SO AS TO
12 APPROXIMATE THE COST OF MAINTAINING THE BOARD.

13 (3) THE FUNDS TO COVER THE EXPENSES OF THE BOARD MEMBERS
14 SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

15 (C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO
16 THE COMPTROLLER OF THE STATE.

17 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

18 (D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
19 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
20 DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS ARTICLE.

21 (2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
22 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
24 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND
25 TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

26 (4) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, NO OTHER
27 STATE MONEY MAY BE USED TO SUPPORT THE FUND.

28 (E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

29 (2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL
30 PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE.

31 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
32 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
33 ARTICLE.

1 20-207.

2 ~~IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE~~
3 ~~BOARD SHALL:~~

4 ~~(1) REPORT DIRECTLY TO THE SUBCABINET, AS THE SUBCABINET~~
5 ~~REQUIRES; AND~~

6 ~~(2) DEVISE EXAMINATIONS AND ADOPT INVESTIGATIVE PROCEDURES~~
7 ~~TO:~~

8 ~~(I) DETERMINE WHETHER CERTIFIED PROGRAM~~
9 ~~ADMINISTRATORS MEET THE STANDARDS ADOPTED BY THE SUBCABINET; AND~~

10 ~~(II) ASSURE THAT CERTIFIED PROGRAM ADMINISTRATORS~~
11 ~~CONTINUE TO MEET THESE STANDARDS.~~

12 ~~20-208.~~

13 ~~(A) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND~~
14 ~~RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.~~

15 ~~(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO~~
16 ~~THE GENERAL FUND OF THIS STATE.~~

17 ~~20-209.~~

18 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
19 5-710 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR
20 OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

21 SUBTITLE 3. CERTIFICATION PROCESS.

22 20-301.

23 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON OR AFTER
24 OCTOBER 1, 2006, AN INDIVIDUAL SHALL RECEIVE A CERTIFICATE FROM THE BOARD
25 BEFORE THE INDIVIDUAL MAY BE A PROGRAM ADMINISTRATOR IN THIS STATE.

26 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A
27 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM A POSITION AS PROGRAM
28 ADMINISTRATOR BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE, THE OWNER
29 OF A PROGRAM OR OTHER APPROPRIATE PROGRAM AUTHORITY SHALL
30 IMMEDIATELY DESIGNATE A CERTIFIED PROGRAM ADMINISTRATOR TO SERVE IN
31 THAT CAPACITY.

32 (2) (I) IN THE EVENT A CERTIFIED PROGRAM ADMINISTRATOR IS NOT
33 AVAILABLE, THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY MAY
34 APPOINT A NONCERTIFIED PERSON TO SERVE IN THE CAPACITY OF ACTING
35 PROGRAM ADMINISTRATOR FOR A PERIOD NOT TO EXCEED 180 DAYS.

1 (II) THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY
2 SHALL IMMEDIATELY NOTIFY THE BOARD OF THE APPOINTMENT AND FORWARD THE
3 CREDENTIALS OF THE PERSON APPOINTED TO THE BOARD FOR EVALUATION TO
4 ASSURE THAT THE PERSON APPOINTED IS EXPERIENCED, TRAINED, AND
5 COMPETENT.

6 (III) THE 180-DAY PERIOD BEGINS ON THE DATE THAT THE
7 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM THE POSITION AS A
8 PROGRAM ADMINISTRATOR.

9 (IV) THE BOARD MAY EXTEND THE 180-DAY PERIOD FOR A
10 FURTHER PERIOD OF NOT MORE THAN 30 DAYS.

11 20-302.

12 (A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL BE AN
13 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

14 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

15 (C) THE APPLICANT SHALL HAVE COMPLETED A STATE CRIMINAL
16 BACKGROUND CHECK.

17 ~~(C)~~ (D) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

18 ~~(D)~~ (E) THE APPLICANT SHALL HAVE:

19 (1) (I) A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
20 UNIVERSITY IN A HUMAN SERVICE DISCIPLINE; AND

21 (II) AT LEAST 4 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
22 WITH AT LEAST 3 YEARS IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY; OR

23 (2) (I) A MASTER'S DEGREE FROM AN ACCREDITED COLLEGE OR
24 UNIVERSITY IN A HUMAN SERVICE DISCIPLINE; AND

25 (II) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
26 WITH AT LEAST 1 YEAR IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY.

27 ~~(E)~~ (F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT
28 SHALL PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

29 20-303.

30 TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

31 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
32 BOARD REQUIRES; AND

33 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

1 20-304.

2 (A) THE BOARD SHALL KEEP A FILE OF EACH CERTIFICATE APPLICATION
3 MADE UNDER THIS SUBTITLE.

4 (B) THE FILE SHALL CONTAIN:

5 (1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;

6 (2) THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS
7 CONNECTION OF THE APPLICANT;

8 (3) THE DATE OF THE APPLICATION;

9 (4) COMPLETE AND CURRENT INFORMATION ON THE EDUCATIONAL,
10 TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;

11 (5) THE DATE THE BOARD REVIEWED AND ACTED ON THE APPLICATION;

12 (6) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;

13 (7) THE IDENTIFYING NUMBERS OF ANY CERTIFICATE OR RENEWAL
14 CERTIFICATE ISSUED TO THE APPLICANT; AND

15 (8) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
16 NECESSARY.

17 (C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.

18 20-305.

19 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A CERTIFICATE IS
20 ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SECTION.

21 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST FOUR
22 TIMES A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

23 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
24 AND PLACE OF EXAMINATION.

25 (D) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD
26 SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
27 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

28 (2) THE SUBJECTS OF EXAMINATION SHALL ~~RELATE~~ BE RELATED TO:

29 (I) HEALTH AND SAFETY ISSUES, INCLUDING:

30 1. NUTRITIONAL STANDARDS;

31 2. WATER SAFETY;

1 20-306.

2 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
3 ANY EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL WHO IS
4 CERTIFIED AS A PROGRAM ADMINISTRATOR IN ANY OTHER STATE THAT THE BOARD
5 ~~AND THE SUBCABINET DETERMINE~~ DETERMINES HAS A COMPARABLE
6 CERTIFICATION PROCESS TO THE ONE ESTABLISHED IN THIS TITLE.

7 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
8 APPLICANT:

9 (1) IS OF GOOD MORAL CHARACTER;

10 (2) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §
11 20-303 OF THIS SUBTITLE; AND

12 (3) PROVIDES ADEQUATE EVIDENCE THAT:

13 (I) AT THE TIME THE APPLICANT WAS CERTIFIED IN THE OTHER
14 STATE, THE APPLICANT WAS QUALIFIED TO TAKE THE EXAMINATION THAT THEN
15 WAS REQUIRED BY THE LAWS OF THIS STATE; ~~AND~~

16 (II) THE APPLICANT QUALIFIED FOR A CERTIFICATE IN THE OTHER
17 STATE BY PASSING AN EXAMINATION GIVEN IN THAT OR ANY OTHER STATE; AND

18 (III) THE APPLICANT HAS COMPLETED A STATE CRIMINAL
19 BACKGROUND CHECK.

20 (C) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A
21 CERTIFIED PROGRAM ADMINISTRATOR UNDER § 20-302 OF THIS TITLE FOR ANY
22 PERSON WHO:

23 (1) HAS FILED A LETTER OF INTENT WITH THE BOARD BY OCTOBER 1,
24 2006;

25 (2) HAS COMPLETED NOT LESS THAN 8 YEARS' EXPERIENCE IN THE
26 HUMAN SERVICE FIELD WITH AT LEAST 4 YEARS IN A SUPERVISORY OR
27 ADMINISTRATIVE CAPACITY; AND

28 (3) HAS BY OCTOBER 1, 2006, SUCCESSFULLY PASSED AN EXAMINATION
29 APPROVED BY THE BOARD.

30 20-307.

31 (A) THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS
32 THE REQUIREMENTS OF THIS TITLE.

33 (B) THE BOARD SHALL INCLUDE ON EACH CERTIFICATE THAT THE BOARD
34 ISSUES:

35 (1) THE FULL NAME OF THE CERTIFICATE HOLDER;

1 (2) A SERIAL NUMBER; AND

2 (3) THE SEAL OF THE BOARD.

3 (C) THE BOARD MAY ISSUE A CERTIFICATE TO REPLACE A LOST, DESTROYED,
4 OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE CERTIFICATE
5 REPLACEMENT FEE SET BY THE BOARD.

6 20-308.

7 THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO
8 ISSUING OR RENEWING A CERTIFICATE TO THE BOARD OF REVIEW AS PROVIDED IN §
9 20-315(A) OF THIS SUBTITLE.

10 20-309.

11 A CERTIFICATE AUTHORIZES THE INDIVIDUAL TO ADMINISTER A PROGRAM
12 WHILE THE CERTIFICATE IS EFFECTIVE.

13 20-310.

14 (A) A CERTIFICATE EXPIRES ON ~~THE FIFTH ANNIVERSARY OF ITS EFFECTIVE~~
15 ~~DATE A DATE SET BY THE BOARD,~~ UNLESS THE CERTIFICATE IS RENEWED FOR A
16 ~~5-YEAR TERM AS PROVIDED IN THIS SECTION~~ AN ADDITIONAL TERM AS PROVIDED IN
17 THIS SECTION. A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
18 YEARS.

19 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
20 SHALL SEND TO THE CERTIFIED PROGRAM ADMINISTRATOR, BY FIRST-CLASS MAIL
21 TO THE LAST KNOWN ADDRESS OF THE CERTIFIED PROGRAM ADMINISTRATOR, A
22 RENEWAL NOTICE THAT STATES:

23 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

24 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
25 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
26 THE CERTIFICATE EXPIRES; AND

27 (3) THE AMOUNT OF THE RENEWAL FEE.

28 (C) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFIED PROGRAM
29 ADMINISTRATOR PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL ~~5-YEAR~~ 2-YEAR
30 TERM, IF THE CERTIFIED PROGRAM ADMINISTRATOR:

31 (1) OTHERWISE IS ENTITLED TO OBTAIN A CERTIFICATE;

32 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

33 (3) SUBMITS TO THE BOARD:

1 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
2 REQUIRES; AND

3 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
4 CONTINUING EDUCATION AND OTHER QUALIFICATIONS AND REQUIREMENTS SET
5 UNDER THIS SECTION FOR CERTIFICATE RENEWAL.

6 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
7 ESTABLISHED IN CONSULTATION WITH ~~THE BOARD~~, THE SUBCABINET, THE BOARD
8 MAY SET CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR THE
9 RENEWAL OF CERTIFICATES UNDER THIS SECTION.

10 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH CERTIFIED
11 PROGRAM ADMINISTRATOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.

12 20-311.

13 (A) THE BOARD SHALL REINSTATE THE CERTIFICATE OF A PROGRAM
14 ADMINISTRATOR WHO HAS FAILED TO RENEW THE CERTIFICATE FOR ANY REASON,
15 IF THE INDIVIDUAL:

16 (1) HAS NOT HAD THE CERTIFICATE SUSPENDED OR REVOKED;

17 (2) MEETS THE RENEWAL REQUIREMENTS OF § 20-310 OF THIS
18 SUBTITLE;

19 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;

20 (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE
21 WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS TITLE
22 FOR CERTIFICATE REINSTATEMENTS; AND

23 (5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE CERTIFICATE
24 WITHIN 2 5 YEARS AFTER THE CERTIFICATE EXPIRES.

25 (B) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF A PROGRAM
26 ADMINISTRATOR WHO FAILS TO APPLY FOR REINSTATEMENT OF THE CERTIFICATE
27 WITHIN 2 5 YEARS AFTER THE CERTIFICATE EXPIRES. HOWEVER, THE PROGRAM
28 ADMINISTRATOR MAY BE CERTIFIED BY MEETING THE CURRENT REQUIREMENTS
29 FOR OBTAINING A NEW CERTIFICATE UNDER THIS TITLE.

30 20-312.

31 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
32 CERTIFICATE, A CERTIFIED PROGRAM ADMINISTRATOR MAY NOT SURRENDER THE
33 CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE THE
34 CERTIFIED PROGRAM ADMINISTRATOR IS UNDER INVESTIGATION OR WHILE
35 CHARGES ARE PENDING AGAINST THE CERTIFIED PROGRAM ADMINISTRATOR.

1 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
2 CERTIFIED PROGRAM ADMINISTRATOR UNDER INVESTIGATION OR AGAINST WHOM
3 CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE CERTIFIED PROGRAM
4 ADMINISTRATOR'S CERTIFICATE.

5 20-313.

6 (A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS TO
7 ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A CERTIFIED
8 PROGRAM ADMINISTRATOR HAS FAILED TO MEET ANY STANDARD OF THE BOARD.

9 (B) SUBJECT TO THE HEARING PROVISIONS OF § 20-314 OF THIS SUBTITLE,
10 THE BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY
11 CERTIFIED PROGRAM ADMINISTRATOR, PLACE ANY CERTIFIED PROGRAM
12 ADMINISTRATOR ON PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE IF THE
13 APPLICANT OR CERTIFIED PROGRAM ADMINISTRATOR:

14 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
15 OBTAIN A CERTIFICATE FOR A PROGRAM ADMINISTRATOR OR FOR ANOTHER;

16 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

17 (3) OTHERWISE FAILS TO MEET SUBSTANTIALLY THE STANDARDS FOR
18 CERTIFICATION ADOPTED BY THE ~~SUBCABINET, IN CONSULTATION WITH THE~~
19 BOARD; UNDER § 20-205 OF THIS TITLE;

20 (4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
21 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
22 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
23 SET ASIDE;

24 (5) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WHILE:

25 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

26 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
27 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
28 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
29 INDICATION;

30 (6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
31 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF
32 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
33 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

34 (7) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WITH AN
35 UNAUTHORIZED PERSON OR SUPERVISES OR AIDS AN UNAUTHORIZED PERSON IN
36 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

1 (8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD WHILE
2 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

3 (9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
4 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF
5 THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

6 (10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

7 (11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN PERFORMING
8 THE DUTIES OF A PROGRAM ADMINISTRATOR; OR

9 (12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
10 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
11 WHICH THE INDIVIDUAL IS CERTIFIED AND QUALIFIED TO RENDER BECAUSE THE
12 INDIVIDUAL IS HIV POSITIVE.

13 20-314.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
15 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-313 OF THIS SUBTITLE, IT
16 SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
17 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

18 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
19 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

20 (C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE SECRETARY OF
21 THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
22 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR
23 PROCEEDINGS BEFORE IT.

24 (D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM
25 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR
26 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT
27 JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

28 (E) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
29 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
30 DETERMINE THE MATTER.

31 20-315.

32 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER ~~§ 20-313~~ §
33 20-313 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
34 BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE
35 ACT, MAY:

36 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

1 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
2 ADMINISTRATIVE PROCEDURE ACT.

3 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
4 UNDER § 20-314 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD
5 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

6 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
7 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

8 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

9 20-401.

10 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT:

11 (1) PERFORM THE DUTIES OF, ATTEMPT TO PERFORM THE DUTIES OF,
12 OR OFFER TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR IN THIS STATE
13 UNLESS CERTIFIED BY THE BOARD; OR

14 (2) SUPERVISE, DIRECT, INDUCE, OR AID AN UNCERTIFIED INDIVIDUAL
15 TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR.

16 20-402.

17 (A) UNLESS AUTHORIZED TO PERFORM THE DUTIES OF A PROGRAM
18 ADMINISTRATOR UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE
19 PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
20 OTHERWISE, THAT THE PERSON IS A PROGRAM ADMINISTRATOR IN THIS STATE.

21 (B) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY
22 NOT USE THE TITLE "RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATOR" OR ANY
23 OTHER DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO REPRESENT
24 THAT THE PERSON IS AUTHORIZED TO PERFORM THE DUTIES OF A PROGRAM
25 ADMINISTRATOR.

26 20-403.

27 A PERSON MAY NOT:

28 (1) SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING
29 OR FRAUDULENTLY OBTAINING OR FURNISHING A CERTIFICATE ISSUED UNDER
30 THIS TITLE; OR

31 (2) PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR UNDER ANY
32 CERTIFICATE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR ISSUED.

1 20-404.

2 EXCEPT WHEN A PROGRAM ADMINISTRATOR IS REMOVED FROM THE POSITION
3 BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE AS PROVIDED IN § 20-301 OF
4 THIS TITLE, A PROGRAM MAY NOT BE OPERATED UNLESS IT IS UNDER THE
5 SUPERVISION OF A CERTIFIED PROGRAM ADMINISTRATOR.

6 20-405.

7 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
8 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

9 (1) A FINE NOT EXCEEDING \$1,000 FOR A FIRST OFFENSE; AND

10 (2) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 6
11 MONTHS OR BOTH FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

12 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

13 20-501.

14 THIS TITLE MAY BE CITED AS THE "MARYLAND CERTIFICATION OF PROGRAM
15 ADMINISTRATORS FOR RESIDENTIAL CHILD CARE PROGRAMS ACT".

16 20-502.

17 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
18 PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS ADOPTED UNDER
19 THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2013.

20 **Article - State Government**

21 8-403.

22 (a) On or before December 15 of the 2nd year before the evaluation date of a
23 governmental activity or unit, the Legislative Policy Committee, based on a
24 preliminary evaluation, may waive as unnecessary the evaluation required under this
25 section.

26 (b) Except as otherwise provided in subsection (a) of this section, on or before
27 the evaluation date for the following governmental activities or units, an evaluation
28 shall be made of the following governmental activities or units and the statutes and
29 regulations that relate to the governmental activities or units:

30 (62) RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS, STATE
31 BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH OCCUPATIONS ARTICLE:
32 JULY 1, 2012);

33 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
34 General Assembly that the Governor provide funds in the fiscal year 2005 budget at a

1 level sufficient enough to allow the State Board for Certification of Residential Child
2 Care Program Administrators to begin operating as a regulatory board, and when
3 special funds become available for the regulation of residential child care program
4 administrators, special funds shall be used to reimburse the General Fund for the cost
5 of starting up the Board.

6 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2003.